



US Army Corps
of Engineers
Portland District

PUBLIC NOTICE for PERMIT APPLICATION

Issue Date: October 7, 2003

Expiration Date: November 6, 2003

Corps of Engineers Action ID: 200300117

Oregon Division of State Lands Number: 31236-FP

30 Day Notice

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached plan.

Comments: Comments on the described work should reference the U.S. Army Corps of Engineers number shown above and should reach this office no later than the above expiration date of this Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers
ATTN: CENWP-OP-GP (Mr. John W. Barco)
P.O. Box 2946
Portland, Oregon 97208-2946

Applicant: Lowe's Home Improvement Warehouse
Attn: Mr. Roger Berstein
1530 Faraday Avenue #140
Carlsbad, California 92008

Location: The project is located on an unnamed tributary of Mt. Scott Creek, in Section 5, Township 2 South, Range 2 East, near Milwaukie, Clackamas County, Oregon

Project Description: The proposed project is to construct an approximately 134,000 square feet retail store, with associated parking, storage, setbacks, and ingress/egress on a 10.7-acre parcel. The work would entail culverting approximately 615 linear feet (0.21 acre) of an unnamed tributary of Mt. Scott Creek and temporarily disturbing 600 linear feet (0.06 acre) of an unnamed tributary of Mt. Scott Creek. Total impacts to waters of the United States would be 0.27 acre.

In order to mitigate for the permanent loss of 0.21 acre and temporary loss of 0.06 acre of waters of the United States, the applicant proposes to replace a fish barrier culvert on Cedar Creek at Mather Road, in Clackamas County. Installing a fish passable culvert would open approximately 2,300 linear feet of Mt. Scott Creek to potential fish use.

If a permit is issued, the Corps will determine what is appropriate and practicable compensatory mitigation. The amount of compensatory mitigation required shall be commensurate with the anticipated impacts of the project.

Purpose: Build a home improvement retail outlet store to serve growing population within the Clackamas-Milwaukie service area.

Drawings: Seven (7) drawings labeled Corps No. 200300117

Additional Information: Additional information may be obtained from Mr. John W. Barco, Project Manager, U.S. Army Corps of Engineers at (503) 808-4385.

Authority: This permit will be issued or denied under the following:

Section 404, Clean Water Act (33 U.S.C. 1344), for discharge of dredged or fill material into waters of the United States.

Special Conditions: The requested permit, if issued, shall be subject in part to the following conditions:

Water Quality Certification: A permit for the described work will not be issued until certification, as required under Section 401 of the Clean Water Act (P.L. 95-217), has been received or is waived from the certifying state. Attached is the state's notice advertising the request for certification.

Section 404(b)(1) Evaluation: The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404(b)(1) of the Clean Water Act.

Public Hearing: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Endangered Species: Preliminary determinations indicate that the described activity will not affect endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). Formal consultation under Section 7 of the Act is not required for the described activity.

Cultural Resources: The described activity is not located on property registered or eligible for registration in the latest published version of the National Register of Historic Places. This notice has been provided to the State Historic Preservation Office.

Evaluation: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the described activity will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use,

navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Additional Requirements: State law requires that leases, easements, or permits be obtained for certain works or activity in the described waters. These State requirements must be met, where applicable, and a Department of the Army permit must be obtained before any work within the applicable Statutory Authority, previously indicated, may be accomplished. Other local governmental agencies may also have ordinances or requirements, which must be satisfied before the work is accomplished.

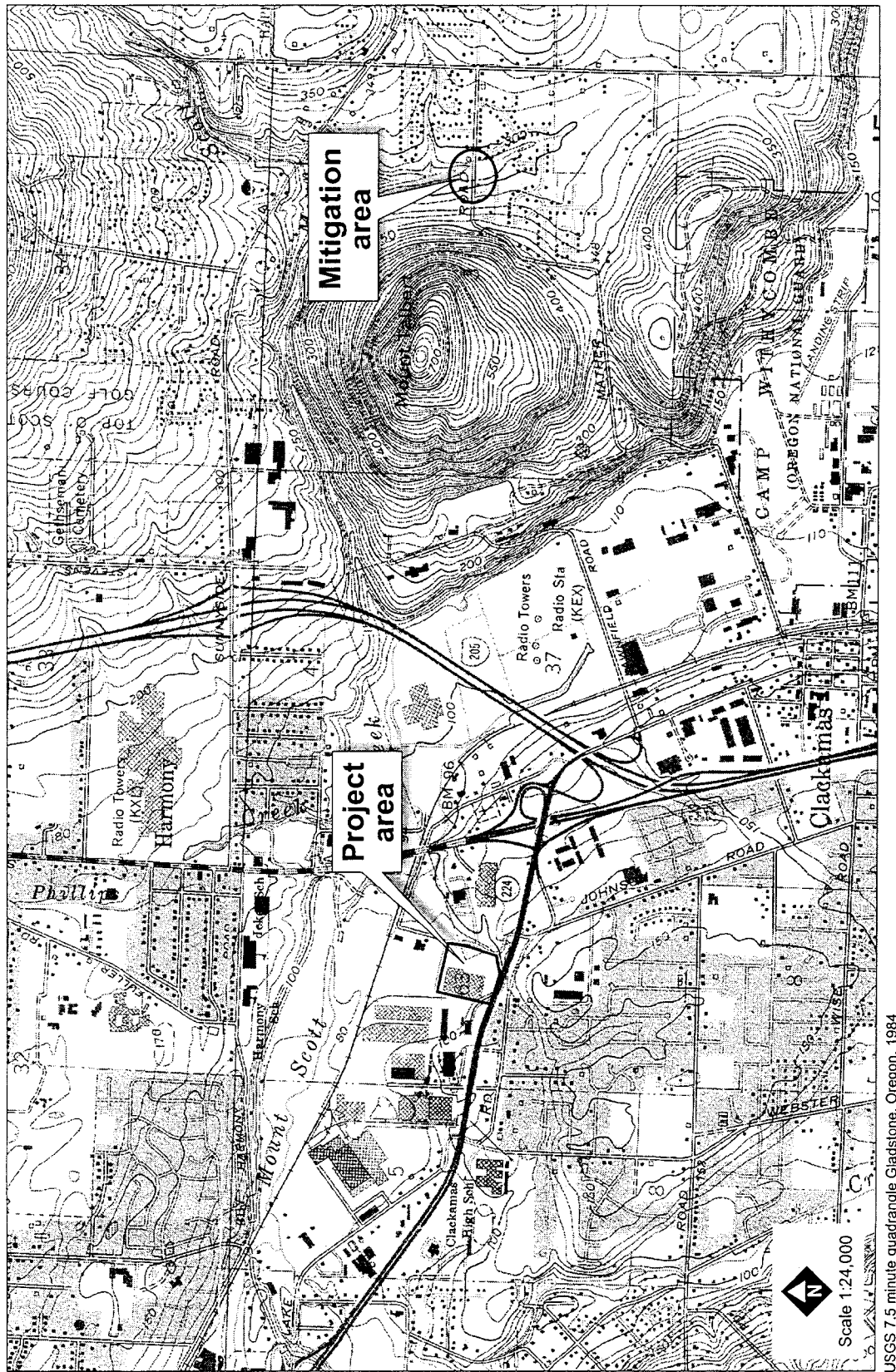
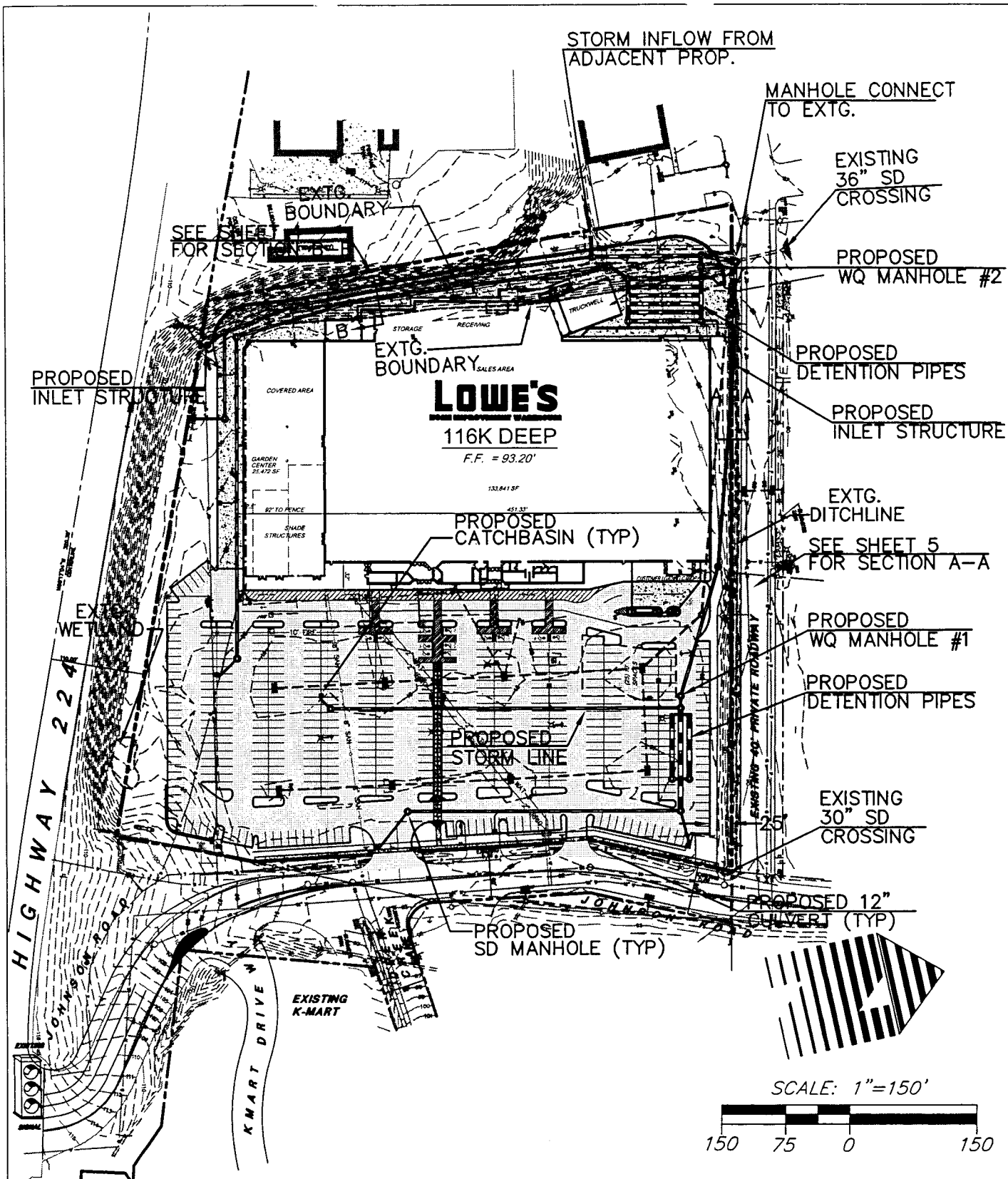


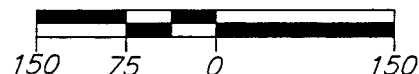
Figure 1
Project vicinity

LOWE'S MILWAUKIE SITE
...
Clackamas County, Oregon

Corps No 202300117



SCALE: 1"=150'



5415 SW Westgate Dr, Ste 100 Portland, OR 97221
Tel. 503.419.2500 Fax. 503.419.2800

PLANNERS • DESIGNERS • LANDSCAPE ARCHITECTS • SURVEYORS

PROJECT NO. LOW2614

DATE: 09/09/03

BY: CPK

SCALE: 150

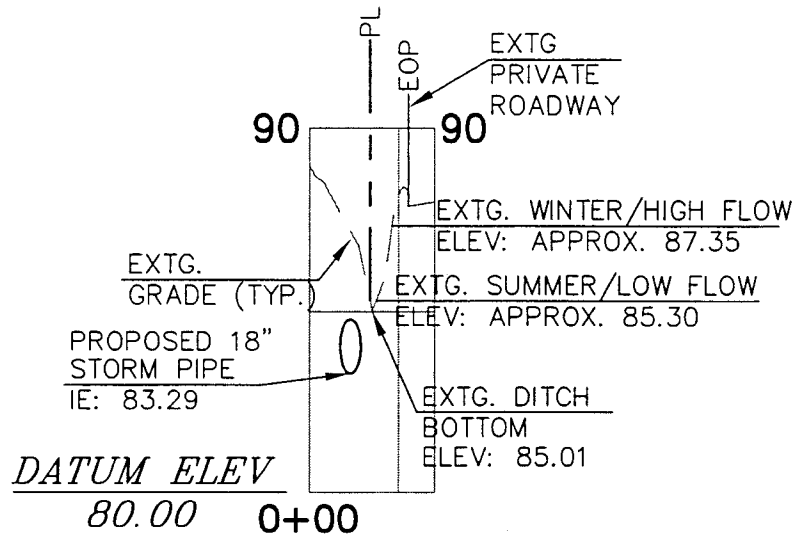
SHEET NO. 3 OF 5

PROPOSED STORM PLAN LOWES MILWAUKIE

NAME OF WATERWAY: UNNAMED

LOWES, INC.
CLACKAMAS COUNTY, OREGON

Corps No 200300117



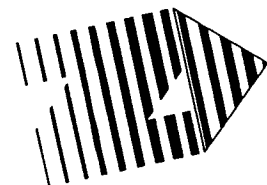
SECTION A-A

SCALE: 1"=50' HORIZ
1"=5' VERT

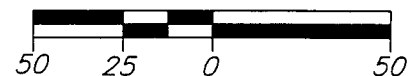
NOTE: NO GRADING TO BE PERFORMED
IN THIS AREA EXCEPT DURING
PROPOSED STORM PIPE CONSTRUCTION.

APPROX. 80 CU. YDS. TO BE DISTURBED,
THEN REPLACED AND RECOMPACTED
DURING PIPE CONSTRUCTION.

AREA TO BE RESTORED AND REPLANTED
TO BETTER THAN EXISTING AFTER
STORM CONSTRUCTION COMPLETED.



SCALE: 1"=50'



5415 SW Westgate Dr., Ste 100 Portland, OR 97221
Tel. 503.419.2500 Fax. 503.419.2800

PLANNING • ENGINEERING • LANDSCAPE ARCHITECTURE • SURVEYING

PROJECT NO. LOW2614

DATE: 09/09/03

BY: CPK

SCALE: 50

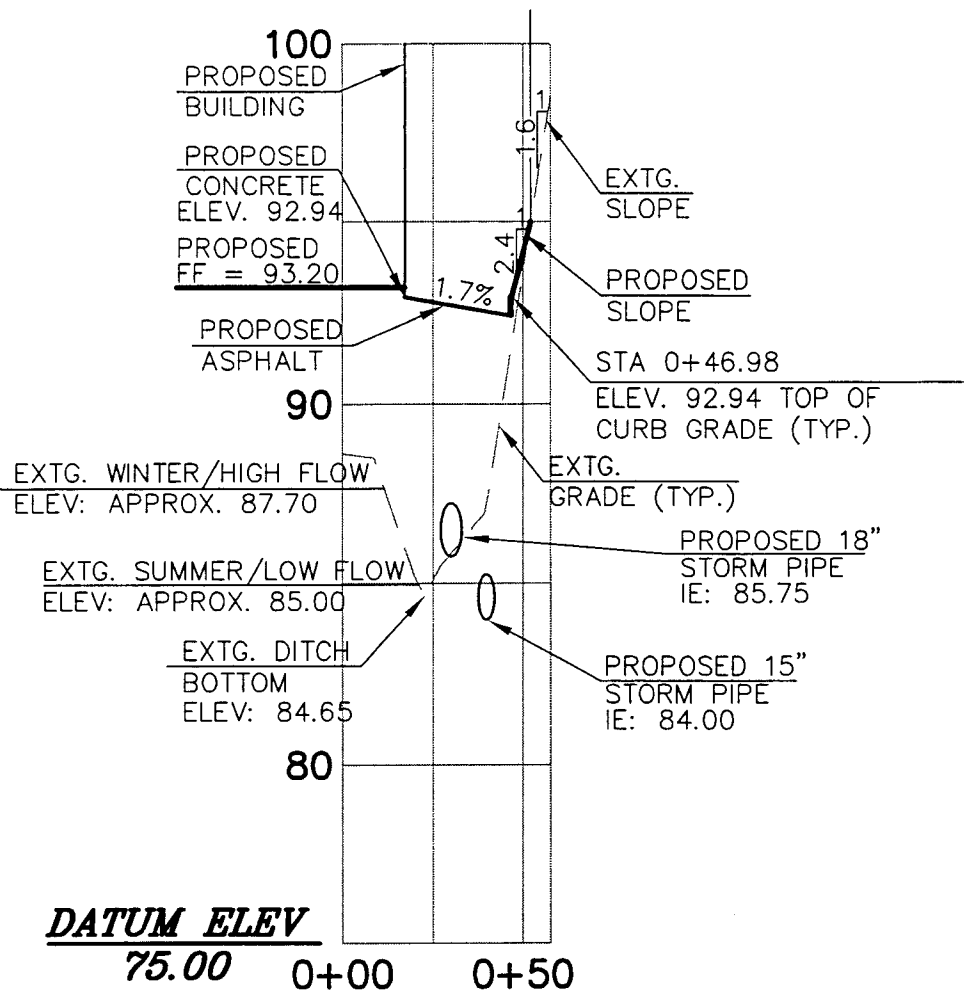
SHEET NO. 4 OF 5

DITCH SECTION A-A
LOWES MILWAUKIE

NAME OF WATERWAY: UNNAMED

LOWES, INC.
CLACKAMAS, OREGON

Corps No. 200300117



SECTION B-B

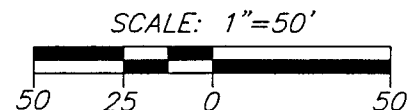
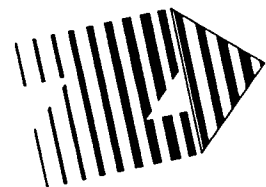
SCALE: 1"=50' HORIZ
1"=5' VERT

NOTE: ENTIRE DITCH TO BE IN-FILLED DURING PROPOSED CONSTRUCTION.

APPROXIMATELY 1750 YDS. PLACED IN EXISTING DITCH BELOW HIGH FLOW LINE.

APPROXIMATELY 3850 YDS. PLACED IN EXISTING DITCH ABOVE HIGH FLOW LINE.

AREA TO BE REPLANTED TO BETTER THAN EXISTING AFTER CONSTRUCTION.



5415 SW Westgate Dr, Ste 100 Portland, OR 97221
Tel. 503.419.2500 Fax. 503.419.2600

PLANNING • ENGINEERING • LANDSCAPE ARCHITECTURE • SURVEYING

PROJECT NO. LOW2614

DATE: 09/09/03

BY: CPK

SCALE: 50

SHEET NO. 5 OF 5

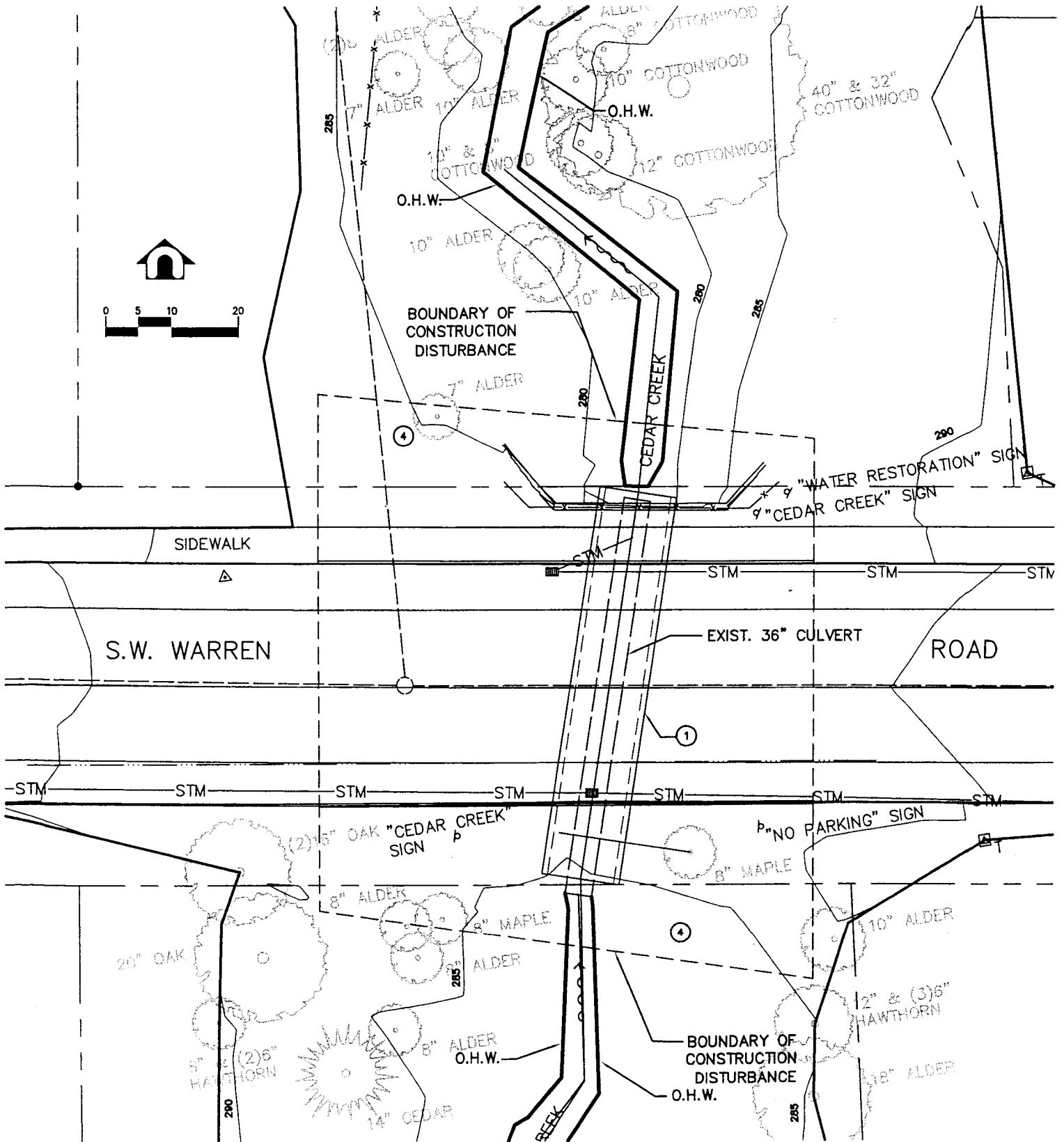
DITCH SECTION B-B

LOWES MILWAUKIE

NAME OF WATERWAY: UNNAMED

LOWES, INC.
CLACKAMAS, OREGON

Corps No. 200300117



CULVERT REPLACEMENT PLAN



**DAVID EVANS
AND ASSOCIATES INC.**

2100 Southwest River Parkway
Portland Oregon 97201
Phone: 503.223.6663

PROJECT

LOWE'S COMPANY

SHEET

TITLE

S.E. MATHER ROAD

CULVERT REPLACEMENT EXHIBIT 1

1

DWG. REF.

C-1

PROJECT

LHIW0000-0002

SCALE

1" = 20'

AMENDMENT NO.

0.0

DRAWN BY

AJL

DESIGN BY

AJL

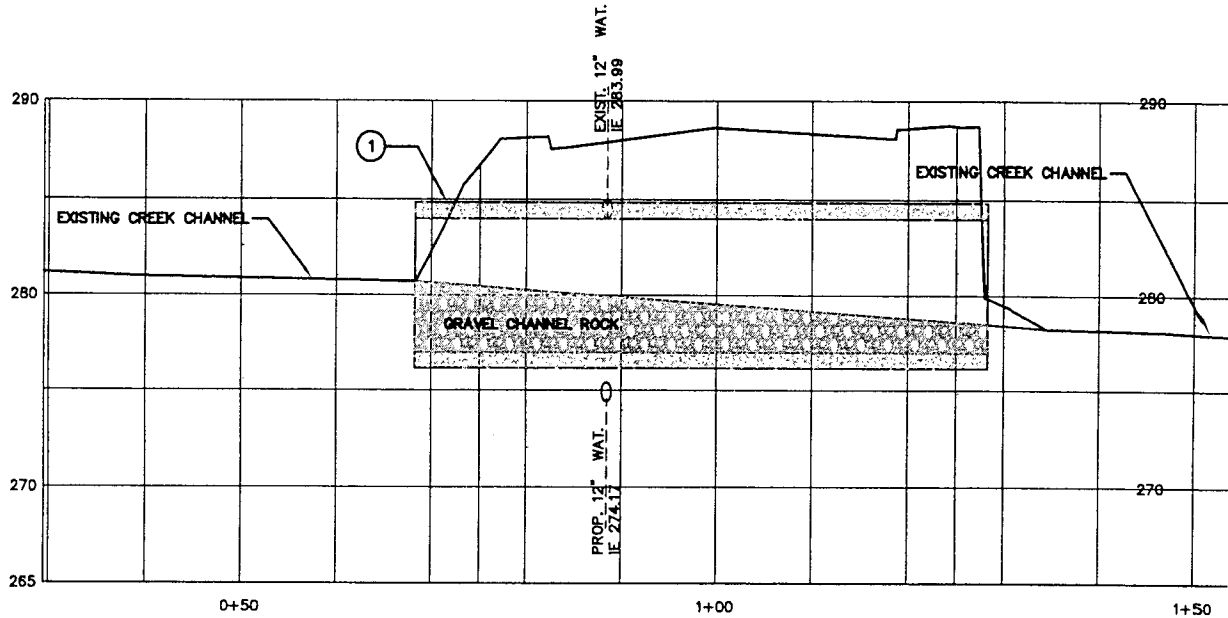
APPROVED BY

DATE

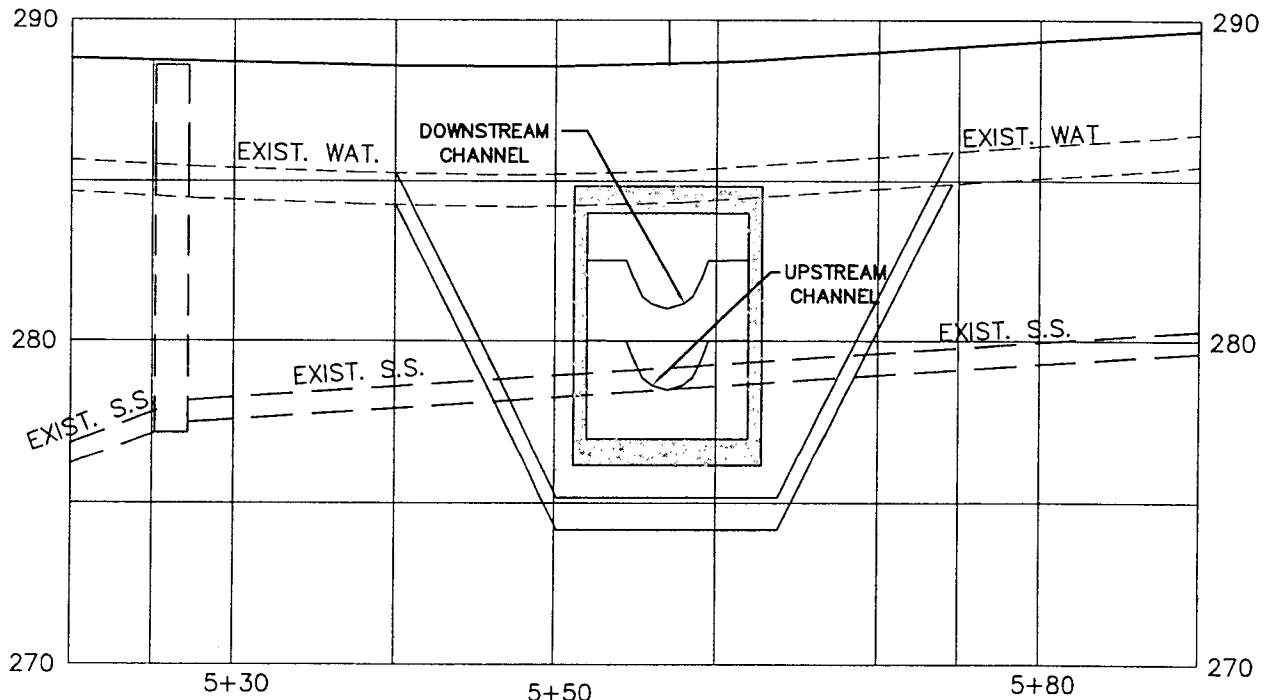
09-16-2003

Copied No. 20030017

- ① INSTALL 60' L X 10' W X 7' H PRECAST CONCRETE BOX CULVERT. CAST IN PLACE ENDWALLS.
 - ② CONTRACTOR TO INSTALL 4' TALL PLASTIC FENCING AT THE CONSTRUCTION LIMITS OUTSIDE OF THE ROAD R.O.W. PRIOR TO BEGINNING CONSTRUCTION ACTIVITIES.
 - ③ OPEN AREA SURFACE PROTECTION/MITIGATION MEASURES TO BE FOLLOWED PER THE SPECIFICATIONS.
 - ④ BOUNDARY OF CULVERT REPLACEMENT.
1. APPROXIMATE EARTHWORK QUANTITIES:
REMOVAL 675 CUBIC YARDS, FILL 450 CUBIC YARDS.



SECTION ALONG CULVERT CENTERLINE



ROAD PROFILE AT CROSSING

DE
DAVID EVANS
AND ASSOCIATES INC.
2100 Southwest River Parkway
Portland Oregon 97201
Phone: 503.223.6663

PROJECT

LOWE'S COMPANY

TITLE

S.E. MATHER ROAD

CULVERT REPLACEMENT EXHIBIT 2

DWG. REF.

C-2

PROJECT

LHIW0000-0002

SCALE

1" = 20'

AMENDMENT NO.

0.0

DRAWN BY

AJL

DESIGN BY

AJL

APPROVED BY

DATE

09-16-2003

Corps No
200300117
SHEET

2

Oregon Department of Environmental Quality

Water Quality 401 Certification

Corps of Engineers Action ID Number: 200300117
Oregon Division of State Lands Number: 31236-FP

Notice Issued: October 7, 2003
Written Comments Due: November 6, 2003

WHO IS THE APPLICANT: Lowe's Home Improvement Warehouse

LOCATION OF CERTIFICATION ACTIVITY: See attached U.S. Army Corps of Engineers public notice

WHAT IS PROPOSED: See attached U.S. Army Corps of Engineers public notice on the proposed project

NEED FOR CERTIFICATION: Section 401 of the Federal Clean Water Act requires applicants for Federal permits or licenses to provide the Federal agency a water quality certification from the State of Oregon if the proposed activity may result in a discharge to surface waters.

DESCRIPTION OF DISCHARGES: See attached U.S. Army Corps of Engineers public notice on the proposed project

WHERE TO FIND DOCUMENTS: Documents and related material are available for examination and copying at Oregon Department of Environmental Quality, Water Quality Division, 811 S.W. 6th Avenue, Portland, Oregon 97204

While not required, scheduling an appointment will ensure documents are readily accessible during your visit. To schedule an appointment please call Alice Kavajecz at (503) 229-6962.

Any questions on the proposed certification may be addressed to the 401 Program Coordinator at (503) 229-5845.

PUBLIC PARTICIPATION:

Public Hearing: Oregon Administrative Rule (OAR) 340-48-0020 (6) states that ☐The Director shall provide an opportunity for the applicant, any affected state, or any interested agency, person, or group of persons to request or petition for a public hearing with respect to certification applications. If the Director determines that new information may be produced thereby, a public hearing will be held prior to the Director's final determination. Instances of doubt shall be resolved in favor of holding the hearing. There shall be public notice of such a hearing.☐

Written comments:

Written comments on the proposed certification must be received at the Oregon Department of Environmental Quality by 5 p.m. on (full date). Written comments should be mailed to Oregon Department of Environmental Quality, Attn: 401 Program Coordinator, 811 S.W. 6th Avenue, Portland, Oregon 97204. ***People wishing to send written comments via e-mail should be aware that if there is a delay between servers or if a server is not functioning properly, e-mails may not be received prior to the close of the public comment period.*** People wishing to send comments via e-mail should send them in Microsoft Word (through version 7.0), WordPerfect (through version 6.x) or plain text format to melville.tom@deq.state.or.us. Otherwise, due to conversion difficulties, DEQ recommends that comments be sent in hard copy.

WHAT HAPPENS NEXT: DEQ will review and consider all comments received during the public comment period. Following this review, the permit may be issued as proposed, modified, or denied. You will be notified of DEQ's final decision if you present either oral or written comments during the comment period. Otherwise, if you wish to receive notification, please call or write DEQ at the above address.

ACCESSIBILITY INFORMATION: This publication is available in alternate format (e.g. large print, Braille) upon request. Please contact DEQ Office of Communications and Outreach at (503) 229-5317 or toll free within Oregon at 1-800-452-4011 to request an alternate format. People with a hearing impairment can receive help by calling DEQ's TTY at (503) 229-6993.